

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: '318 PATENT INFRINGEMENT)
LITIGATION) Civil Action No. 05-356-KAJ
) (consolidated)
)

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE
AS TO PAR PHARMACEUTICAL, INC. AND
PAR PHARMACEUTICAL COMPANIES, INC.**

WHEREAS plaintiffs Janssen Pharmaceutica N.V., Janssen, L.P., and Synaptech, Inc. (collectively "Janssen") and defendants Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. (collectively "Par") have been litigating the issues of alleged infringement and validity of U.S. Patent No. 4,663,318 ("the '318 patent") predicated upon Par's filing of an Abbreviated New Drug Application, No. 77-604, to obtain approval for the manufacture, use, and sale of galantamine hydrobromide oral tablets equivalent to 4, 8, and 12 mg base, beginning in Civil Action No. 05-451-KAJ ("the '318 patent infringement action"); and

WHEREAS Par is withdrawing the paragraph IV certification concerning the '318 patent in ANDA No. 77-604 and substituting a paragraph III certification certifying that Par is not seeking approval for ANDA No. 77-604 prior to expiration of the '318 patent;

IT IS HEREBY STIPULATED AND AGREED, by and between Janssen and Par, through their respective undersigned counsel of record, that:

1. Pursuant to Rule 41 (a)(2) of the Federal Rules of Civil Procedure, all claims asserted against, and all counterclaims asserted by, Par are hereby dismissed without prejudice; and

2. Entry of such dismissal notwithstanding, Par will submit to the jurisdiction of this Court for the purposes of third-party discovery in the above-captioned case, with the understanding between Janssen and Par that any deposition of Par or its employees or agents in this action may take place in New Jersey rather than Delaware and Par reserves the right to assert any objection to such third-party discovery that Par may have.

Each party shall bear its own attorneys' fees and costs.

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SO ORDERED:

United States District Judge

728136

Dated:

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on April 18, 2006, the within document was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following as indicated and that the document is available for viewing and downloading from CM/ECF.

BY E-FILE AND HAND DELIVERY

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